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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPLN. 2453/2024**

SALEEM

.....Petitioner

Through: Ms. Shree Kirtee, Mr. Sunder Singh
and Mr. Hemdee Soren, Advocates.

versus

STATE AND ANR

.....Respondent

Through: Mr. Aashneet Singh, APP for the
State.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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22.07.2024

1. By way of present application, the petitioner/applicant seeks regular bail in FIR No.581/2023 registered under Section 363 IPC & 4/6 POCSO Act at P.S. Sarita Vihar, Delhi.
2. Learned counsel for the applicant states that the present FIR has been lodged on the basis of a missing report filed by the mother of the child victim. Learned counsel submits that in the statement of the victim, she has stated that she had established physical relationship with the applicant with her own consent. Learned Counsel for the applicant submits that the applicant is aged 19 years and is in Judicial Custody since 03.06.2024.
3. Mr. Aashneet Singh, learned APP for the State submits that the statement of the prosecutrix has been recorded under Section 164 Cr.P.C. In the said statement, the victim stated that she has already got married to the applicant and the relations were consensual. The copy of Nikahnama has



also been seized in the investigation.

4. The victim who is present in Court along with mother and has been identified by the I.O., states that she does not wish to engage a counsel and further states she has no objection to the present bail application being allowed. The mother of the child victim also supports the application.

5. I have gone through the case diary as well as the statement recorded under Section 164 Cr.P.C. Both, the applicant and the victim were known to each other and now, have married. The Nikahnama is verified. Though the victim was minor but had attained the age of discretion at the time of incident. She has categorically stated in her statement that she had gone with the applicant with her own will. Considering the totality of the facts and circumstances, it is directed that the applicant be released on regular bail subject to his furnishing a personal bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the concerned Jail Superintendent/ concerned Court/Duty M.M. and subject to the following further conditions:-

- i) The applicant shall not leave the NCR without prior permission of the concerned Court.
- ii) The applicant shall provide his mobile number to the Investigating Officer on which he will remain available during the pendency of the trial.
- iii) In case of change of residential address or contact details, the applicant shall promptly inform the same to the concerned Investigating Officer as well as to the concerned Court.
- iv) The applicant shall not tamper with the evidence.
- v) The applicant shall regularly appear before the concerned



Court during the pendency of the trial.

6. The bail application is disposed of in the above terms alongwith the pending application.
7. Copy of the order be communicated to the concerned Jail Superintendent electronically for information.
8. Copy of the order be uploaded on the website forthwith.
9. Needless to state that nothing observed hereinabove shall amount to an expression on the merits of the case and shall not have a bearing on the trial of the case as the same has been expressed only for the purpose of the disposal of the present bail application.

MANOJ KUMAR OHRI, J

JULY 22, 2024/ss